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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,389	11/02/2006	Ulrich Rohs	ROHS ET AL-23 PCT	9002
25889 7590 09/21/2009 COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER BONCK, RODNEY H				
ART UNIT 3655		PAPER NUMBER		
MAIL DATE 09/21/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/584,389

**Applicant(s)**

ROHS, ULRICH

**Examiner**

Rodney H. Bonck

**Art Unit**

3655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009 and 23 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-26, 28 and 30-33 is/are pending in the application.  
4a) Of the above claim(s) 28 and 30-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 5 and 7-26 is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The following action is in response to the amendment received May 18, 2009 and the election of July 23, 2009. Claims 1-5, 7-26, 28 and 30-33 are pending.

#### ***Election/Restrictions***

Claims 28 and 30-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 23, 2009. As understood, the traversal is on the ground(s) that searching the invention of Group I would necessarily include a search of the invention of group II and that searching both inventions would not be "unreasonable" and would promote streamlined examination and compact prosecution. This is not found persuasive because the examiner does not agree that searching for a method of manufacturing would be necessary when searching for the invention of Group I, a dual mass clutch flywheel. Additionally, the examiner submits that searching a single invention and fewer claims would provide a more streamlined examination and compact prosecution.

The requirement is still deemed proper and is therefore made FINAL.

***Drawings***

The replacement sheets of drawings were received on May 18, 2009. These drawings are acceptable and overcome the objection set forth in the Office action of April 6, 2009. Accordingly, the objection is withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Feldhaus et al.('710). The Feldhaus et al. device is a dual mass clutch flywheel comprising two masses 3, 7 and a torsional vibration damper 13 acting between the masses. In a load-free condition both masses are able to rotate in an idling condition about the axis of rotation, while in a loaded condition the masses are able to rotate against the spring damper about the axis offset by a relative angle. The torsional vibration damper can be considered to have a spring system 35, 37 and a damper system 51. The spring system has rectilinear springs 35, 37 guided by hold-down devices 41 connected to each other by a fly ring 55.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldhaus et al.('710) in view of either Chasseguet et al.('395) or Naudin et al.('820). The Feldhaus et al. device is a dual mass clutch flywheel comprising two masses 3, 7 and a torsional vibration damper 13 acting between the masses. In a load-free condition both masses are able to rotate in an idling condition about the axis of rotation, while in a loaded condition the masses are able to rotate against the spring damper about the axis offset by a relative angle. With respect to claim 3, the Feldhaus et al. device can be considered to have a vibration damper having a spring system made up of springs 61 and a damper system made up of springs 35, 37. The spring system and the damper system are arranged on different radii of the axis of rotation in that springs 61 of the spring system are not centered on the same radii as the springs 35, 37 of the damper system. The damper system is arranged radially outwards of the spring system. While it appears that the springs 61 would not rub radially outwards on relatively moving components, Feldhaus et al. does not appear to state that rubbing is prevented. It would have been obvious, however, at least from either Chasseguet et al. or Naudin et al., to prevent the springs from rubbing on adjacent components, the motivation being to reduce spring wear.

***Allowable Subject Matter***

Claims 1, 4, 5, and 7-26 are allowed.

***Response to Arguments***

Applicant's arguments with respect to amended claims 2 and 3 have been considered but are not persuasive and are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to amended claim 1 are persuasive, and the rejection of those claims is withdrawn. The rejection based on 35 USC 112, 2<sup>nd</sup> paragraph is also withdrawn in view of applicant's amendments. The amendment of May 18, 2009 overcomes the objection to the specification. Accordingly the objection is withdrawn. Additionally, the claim objections set forth in the previous action are withdrawn in view of applicant's amendments.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

This application contains claims 28 and 30-33 drawn to an invention nonelected with traverse in the reply filed on July 23, 2009. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on (571) 272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney H. Bonck/  
Primary Examiner, Art Unit 3655

rhb  
September 16, 2009